

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Pat. No. 5,608,387 to Davies in view of U.S. Pat. No. 6,317,544 to Diehl. Davies was cited by the Applicant.

The Examiner believes that Davies shows all that is claimed except for "a distributed client/server". Diehl is cited as teaching a distributed client/server. The Examiner states that it would have been obvious to combine the teachings of these two references "to improve the capability of [the] system."

On October 3, 2002, the undersigned spoke by telephone with the Examiner and explained the invention to the Examiner. In particular, it was explained that the complex images of the present invention are stored on the client computer rather than the server computer as shown in Davies. It was further explained that this provided the advantage of conserving bandwidth since the images do not need to be transmitted from the server to the client as in Davies.

Initially, the Examiner seemed to have a complete understanding of the invention but maintained that Davies taught the storing of images on the client as well as the server.

After carefully reviewing the Davies reference with the Examiner on the telephone, it was agreed that Davies did not teach storing images on the client computer and that the only indication of where the images were stored was on the server computer as shown in Figure 1 by the arrow leading from a source of images 1 to the server computer 10 and the server side storage 18. Although Davies may be ambiguous in some places as to where the images are stored, the only places where it is specific it shows the images stored in the server.

While agreeing that Davies did not specifically teach storing images on the client computer, the Examiner maintained that to do so would have been obvious. When I asked the Examiner why it would have been obvious, she could not provide me with a reason. I suggested that she take some time to think about it and call me back. She agreed to do so but did not call back at the appointed hour.

Although the present invention is claimed in the context of a client and a server, it should be appreciated that the same advantages could be achieved in other computing systems provided that the complex images are not transmitted from one computer to another. The key to the present invention is that the images are stored in the same computer where they will be selected and that once an image is selected, only an identification of the image is

transmitted to the other computer. This is clearly set forth in independent claims 1 and 14 and the Examiner has not taken the position that these claims do not say this.

The Examiner has maintained that Davies teaches transmitting the identity of an image from the same computer where the images are stored to another computer. The so-called "identity statement" in Davies is always transmitted to the computer where the images are stored. In the present invention, the identity of the images is always transmitted from the computer where the images are stored.

At page 5 of the final rejection, the Examiner states that "Davies discloses a first computer (1, 8, 9, 12, 18, 20, fig. 1) to store images (col. 4, lines 20-23)..." This statement is incorrect and it was pointed out to the Examiner during the telephone conference on October 3, 2002. Column 4, lines 20-23 of Davies clearly states that the images are not stored on any of the computers 1, 8, 9, 12, 18, or 20. The images 16 are stored in an image store 15 are situated in a secure and remote storage unit 18. Reference numerals 15 and 18 appear only in Figure 1 and refer to blocks which are only connected to the server computer 10.

The Examiner has also contended that the terms "client" and "server" are arbitrary and that labeling one computer a client and the other a server "will not serve as a basis for patentability." Regardless of this contention, the Examiner cannot take the position that the terms client and server have no meaning. When a claim contains reference to a client computer and a server computer, it must be accepted that the claim is referring to two different computers. Such are the independent claims 1 and 14. The Examiner cannot ignore the terms client and server as they identify two different computers. Thus, the Examiner cannot confuse the activities which take place on one computer with those that take place on the other, regardless of what those computers are called. The claims clearly state that the computer which contains the images sends an identification of an image to the computer which does not contain the images. Davies clearly does not teach or suggest this activity between two computers.

For the foregoing reasons, the Examiner's rejection of the claims must fail regardless of the teachings of Diehl. Moreover, the shortcomings of the Davies reference are not supplemented by Diehl.

Diehl shows a biometrics data collection system for identification of individuals from photographs, fingerprints etc. Any one of a plurality of remotely connected computers can submit

data. The biometrics data is sent to a central server which compares the submitted data with known records and signals back the result of the comparison process.

The present invention, by contrast, shows one or more plural sets of different images of individuals (or other things) to a potential user of a computer system. If the potential user correctly identifies the "correct" images from the, or each, set, the potential user is allowed to continue with access to use the system.

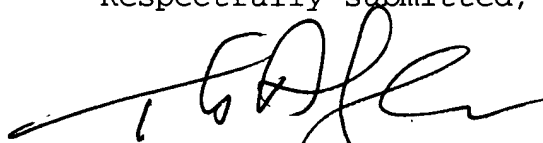
Diehl is not an access control system like Davies and the present invention.

Unlike the present invention, in Diehl, an image is sent from a first computer to a second computer and an identification of the image is sent from the second computer back to the first computer. In the present invention, no image is transmitted from one computer to another. Images are stored on a first computer and an identification of an image is transmitted from the first computer to the second computer to gain access.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is

invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Gallagher', written over a horizontal line.

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